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8 Attorney for Plaintiff,
9 TIMOTHY GARDNER

10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA

13 TIMOTHY GARDNER,

14 Plaintiff,

15 vs.

16 CITY OF BERKELEY, and DOES 1 through
17 50, inclusive,

18 Defendants

) No.: C10-03410 EMC

) DECLARATION OF CHERYL LINDENAU

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21 I, Cheryl Lindenau, declare as follows:

- 22 1. The following facts are within my personal knowledge and, if called as a witness
23 therein, I can and will competently testify thereto:
- 24 2. I was a Berkeley Police Dispatch Supervisor and served with the Police Department
25 from 1995 through 2004. I suffered a wrist injury and underwent eventual surgery but
26 continued working for the department. Sometime afterwards, I requested part-time work
27 known as per diem. Chief Roy Meisner told me I would have to resign from the police
28 department and then reapply. I subsequently did so at his suggestion. Two weeks later, I

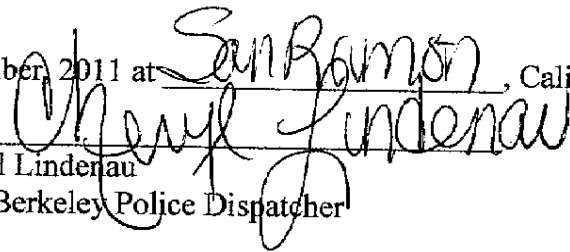
1 re-applied but Chief Meisner told me that the City Manager would not rehire me. I
2 eventually re-applied to the Berkeley Police Department and was denied.

3 3. In 2004, Captain Bobby Miller called me on the phone told me that the City
4 Manager would not hire me back because of my wrist injury and the surgery I'd had on
5 it.

6 4. In the Spring of 2009, I re-applied to the Berkeley Police Department, was placed at
7 the top of the eligibility list, and submitted all background documents as requested.
8 Although I was clearly more qualified than the other candidates, having working steadily
9 for a nearby police agency as a dispatcher over the intervening years, I was not advanced
10 in the application process beyond submitting my paperwork. I believe that I was not
11 selected because of the department's hostility to my original injury.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
13 and correct.

14 Executed this 29th day of November, 2011 at San Ramon, California.

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16 Cheryl Lindenau
17 Prior Berkeley Police Dispatcher
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